

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 7/97)

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

APR 22 2005

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASDENNIS SMITH #51423

Plaintiff's name and ID Number

ALFRED D HUGHES UNITRT 2 BOX 4400 GATESVILLE, TEXAS 76597

Place of Confinement

CASE NO:

W05C1154

(Clerk will assign the number)

v. MR. JOHN TERRY COLERT 2 BOX 4400 GATESVILLE, TX 76597

Defendant's name and address

Defendant's name and address

Defendant's name and address
(DO NOT USE "ET AL.")

I. PREVIOUS LAWSUITS:

A. Have you filed any other lawsuits in state or federal court relating to your imprisonment? YES X NOB. If your answer to "A" is "yes", describe each lawsuit in the space below.
(If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)1. Approximate date of filing lawsuit: N/A2. Parties to previous lawsuit:
Plaintiff(s) N/ADefendant(s) N/A3. Court (If federal, name the district; if state, name the county) N/A4. Docket Number: N/A5. Name of judge to whom case was assigned: N/A

6. Disposition: (Was the case dismissed, appealed, still pending?)

N/A7. Approximate date of disposition: N/A

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II. PLACE OF PRESENT CONFINEMENT: ALFRED D. HUGHES UNIT - GATESVILLE, TX

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☐ NO
Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name of address of plaintiff: DENNIS SMITH # 54423
RT 2 BOX 4400 GATESVILLE, TEXAS 76597
ALFRED D. HUGHES UNIT

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: JOHN TERRY CO II 2/2 CARD, RT 2 BOX 4400
GATESVILLE, TEXAS 76597 - A. HUGHES UNIT

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

WHEN OFFICER J. TERRY DID A CELL/PROPERTY SEARCH HE MISHANDLED MY MEDICINE BAG/FEATHER

Defendant #2: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #3: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #4: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases of statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

ON 6/28/04, 3 BLDG, C-POD, 1 SECTION, 12 CELL. DURING THE CLOTHING EXCHANGE RUN, AROUND 3:30AM, OFFICER J. TERRY ENTERED MY CELL FOR NO PARTICULAR REASON BUT TO HARASS ME

DID A PROPERTY/CELL SEARCH, AND MISHANDLED MY RELIGIOUS ITEMS SUCH AS MY MEDICINE BAG & FEATHER THROWING THEM ON THE FLOOR, THE SO CALLED RANDOM CELL SEARCH WAS NEVER LOGGED IN, NOR WAS MY CELL MATE'S LOCKER OR PROPERTY SEARCHED.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

AWARD PLAINTIFF (50,000) FIFTY THOUSAND DOLLARS IN ACTUAL AND COMPENSATORY DAMAGES, (25,000) TWENTY FIVE THOUSAND IN PUNITIVE DAMAGES, COURT COST, FILING FEE

VII. BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases:

"SMITH"

- B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

383573 , #541423

VII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

☐ YES ☒ NO

- B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO N/A

- C. Has any court ever warned or notified you that sanctions could be imposed? ☐ YES ☒ NO

- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer

the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warnings were imposed: N/A

Executed on: 4/13/05
DATE

Dennis Smith
541423
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 14 day of April, 20 05.
(Day) (Month) (Year)

Dennis Smith
Dennis Smith
(Signature of Plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.



Texas Department of Criminal Justice

STEP 1

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2004193637Date Received: JUN 29 2004Date Due: 8-8-04Grievance Code: 815Investigator ID #: 50958

Extension Date: _____

Date Retd to Offender: JUL 30 2004Offender Name: Smith Dennis TDCJ # 541423Unit: A.D. Hughes Housing Assignment: 3C12-12BUnit where incident occurred: A.D. Hughes

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Newton When? 6/28/04What was their response? He would not talk to meWhat action was taken? NONE

State your grievance in the space provided. Please state who, what, when, where and disciplinary case number if appropriate.

ON the 6/28/04 ON C pod Officer Terry Co 5
2-2 Card Call Mes. At 3:30 then after Mes. He
Call Chow At 4:00 so when we came back from
chow A offender told me that someone tore my House
up so when I went to look at what He was talking
about All my things was scatter all over the floor
including my medical Bag and my Feather so I
came and ask Mr. Richardson if I can talk to
the Sgt. so I went to try to talk to Sgt. ~~Newton~~ Newton
but when I got up front Sgt. Newton would not
talk to me He blew me off I try to tell Him
that officer Terry throw my medical Bag and
Feather on the floor but He still wouldn't talk
to me but Mr. Terry told me that He did A
Remdon shake down if He did A Remdon
shake down then How come He did mess with
my Cellic stuff my stuff was the only things
that He mess with so then I went to trade At
5:00 A.M AND I Ask Sgt. Christen could I talk
to Him About A problem He said No so I went
to ~~the~~ Trade And when I came in At 11:30
I talk to Sgt. Reamos I told Him what happen
He said that Bosses was Allow to touch my
medical Bag I try to tell Him that Bosses
was Not Allow to touch my medical Bag Sgt.



Texas Department of Criminal Justice

STEP 2

OFFENDER GRIEVANCE FORM

Offender Name: Smith DENNIS TDCJ# 54423
 Unit: Hughes Housing Assignment: 3-C-12
 Unit where incident occurred: 3-C-12 - Hughes Unit

OFFICE USE ONLY

Grievance #: 2004193637
 UGI Recd Date: 8/2/04
 HQ Recd Date: AUG 10 2004
 Date Due: 9-6
 Grievance Code: 815
 Investigator ID #: I1160
 Extension Date: 09/02/04

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be specific). I am dissatisfied with no response at Step 1 because...

Officer PERRY lied,

AUG 10 2004